

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLIFFORD JAMES SCHUETT,

Defendant.

Case No.: 2:14-cr-364-JAD-GWF

Order
[ECF 221, 223, 226, 227]

On April 7, 2015, I sentenced defendant Clifford Schuett to 75 months in prison after he plead guilty to one count of threatening to kill or cause damage by explosive.¹ About five months later, he began filing motions requesting I modify his sentence in various ways: one motion, for example, requests that I help him get into the prison's Resident Drug and Alcohol Program²; another seeks a compassionate release so he can address some lingering medical issues.³

In none of these motions, however, does Mr. Schuett cite any legal authority under which I could grant him the relief he seeks. And under *United States v. Aguilar-Reyes*, I do not even have the power to modify Mr. Schuett's sentence at this point, because more than 14 days have passed since sentence was imposed. "'Within 14 days after sentencing, the court may correct a sentence that resulted from arithmetical, technical, or clear error.' This and other circuit courts have held that the [14-day] deadline is jurisdictional, thus divesting the district court of the power to amend the sentence after fourteen days."⁴

Apparently aware of this jurisdictional prohibition, Mr. Schuett has also filed a motion titled

¹ ECF 175.

² ECF 221.

³ ECF 226.

⁴ *United States v. Aguilar-Reyes*, 653 F.3d 1053, 1055 (9th Cir. 2011).

1 “Motion for an Order so the Petitioner Can be Returned to the Court’s Jurisdiction.”⁵ But in this
2 motion, too, Mr. Schuett fails to cite any relevant legal authority; nor is there anything in *Aguilar-*
3 *Reyes* or related cases to suggest that a district court can regain jurisdiction over a prisoner after the
4 14-day deadline. Accordingly, I deny all of Mr. Schuett’s pending motions.

5 **Conclusion**

6 IT IS HEREBY ORDERED THAT Defendant Clifford Schuett’s Motion to Modify Sentence [ECF
7 221] is **DENIED**. IT IS FURTHERED ORDERED THAT

- 8 • Mr. Schuett’s Motion to Amend Pre-Sentence Report [ECF 223] is **DENIED**;
9 • Mr. Schuett’s Motion for Compassionate Release [ECF 226] is **DENIED**; and
10 • Mr. Schuett’s Motion for an Order so the Petitioner Can be Returned to the Court’s
11 Jurisdiction [ECF 227] is **also DENIED**.

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14 DATED November 5, 2015.

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16 JENNIFER A. DORSEY
17 UNITED STATES DISTRICT JUDGE
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27 ⁵ ECF 227.
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